



PATENT

Docket No.: 19603/3357 (CRF D-1595G)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Barany et al.

Serial No. : 09/986,527

Cnfrm. No. : 5780

Filed : November 9, 2001

For : DETECTION OF NUCLEIC ACID SEQUENCE
DIFFERENCES USING THE LIGASE
DETECTION REACTION WITH
ADDRESSABLE ARRAYS

Examiner:
P. Ponnaluri

Art Unit:
1639

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the June 20, 2003, restriction requirement, applicants hereby elect Group III (i.e., claims 15-24) with traverse. In addition, applicants elect the following species: (1) the oligonucleotide probe sequence of SEQ ID NO: 2; (2) a probe sequence length of 24 mers; (3) the oligonucleotide analog probe sequence of SEQ ID NO: 2 where 5-propynyl-uracil is utilized; (4) the oligonucleotide target which is the complement of SEQ ID NO: 2; (5) and (6) the solid substrate made from polyacrylamide; and (7) propynyl dU phosphoramidite as the reagent for synthesis of oligonucleotide probes. This election of species is also made with traverse.

Applicants' traversal is based on the fact that the groups of invention and species identified in the outstanding office action are closely related and, therefore, would require common areas of search and consideration. Accordingly, no benefit is derived from maintaining this restriction requirement/election of species. Furthermore, as set forth in the Request for Declaration of Interference Under 37 CFR § 1.607(a), submitted on January 7, 2002, the claims of the present application are substantially the same as those in U.S. Patent No. 6,156,501 ("501 Patent"). Since the U.S. Patent and Trademark Office ("PTO") decided to consider and, ultimately, issue substantially similar claims together in the '501 Patent, it

should do so here. Indeed, this will permit the present application to proceed in an orderly fashion toward declaration of an interference with the '501 Patent. On the other hand, if the restriction requirement/election of species requirement are maintained, the parties and the PTO will be forced to deal with the interference issues on a piece-meal basis. Since no one is well served by such an approach, applicants submit that the restriction requirement/election of species requirement should be withdrawn.

Respectfully submitted,

Date: November 6, 2003



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
11/7/03	Wendy L. Barry
Date	Wendy L. Barry